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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

‘ĪLIO‘ULAOKALANI COALITION, a)	Civil No. 04-00502 DAE BMK
Hawai‘i nonprofit corporation; NĀ ‘IMI)	
PONO, a Hawai‘i unincorporated)	PLAINTIFFS’ NOTICE OF FILING
association; and KĪPUKA, a Hawai‘i)	SUBSTITUTE PROPOSED SECOND
unincorporated association,)	AMENDED COMPLAINT; EXHIBIT
)	“B”; CERTIFICATE OF SERVICE
Plaintiffs,)	
)	
v.)	<u>Hearing:</u>
)	
DONALD H. RUMSFELD, Secretary of)	Date: November 16, 2006
Defense; and FRANCIS J. HARVEY,)	Time: 9:30 a.m.
Secretary of the United States)	Judge: Hon. Barry M. Kurren
Department of the Army,)	
)	
Defendants.)	
)	

PLAINTIFFS’ NOTICE OF FILING
SUBSTITUTE PROPOSED SECOND AMENDED COMPLAINT

PLAINTIFFS' NOTICE OF FILING
SUBSTITUTE PROPOSED SECOND AMENDED COMPLAINT

Plaintiffs 'Īlio'ulaokalani Coalition, Nā 'Imi Pono, and Kīpuka (collectively, the "Hawaiian Groups") hereby submit a revised proposed Second Amended Complaint, to be substituted for the previous version attached to the Hawaiian Groups' Motion To File Second Amended Complaint And To Add Necessary Parties ("Joinder Motion"), filed on November 7, 2006. The substitute proposed pleading is attached hereto as Exhibit "B."

Subsequent to the expedited filing of their Joinder Motion, the Hawaiian Groups were able to confirm the specific entity required to be joined as a necessary party with respect to the defendants' acquisition of about 24,000 acres of land on the island of Hawai'i, and have revised their proposed Second Amended Complaint accordingly. The Hawaiian Groups respectfully request the Court to substitute the attached proposed Second Amended Complaint for the previously filed version in considering the Hawaiian Groups' Joinder Motion, which is scheduled to be heard on November 16, 2006.

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DATED: Honolulu, Hawai'i, November 9, 2006.

EARTHJUSTICE
David L. Henkin
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By: /s/ David L. Henkin
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